

GLENDALE CITY CODE
CHAPTER 33
WATER, SEWERS, AND SEWAGE DISPOSAL

ARTICLE III. SEWERS AND SEWAGE DISPOSAL

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DIVISION 1. GENERALLY

Sec. 33-101. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

ADEQ: Arizona Department of Environmental Quality.

Administrator: The public works administrator or his designee.

Approved laboratory procedures: The measurements, tests and analyses of the characteristics of water and wastes in accordance with analytical procedures as established in title 40, Code of Federal Regulations, part 136 as revised, that are performed by an environmental laboratory licensed by the state pursuant to A.R.S. § 36-495, et seq.

Average quality: The arithmetic average (weighted by flow value) of all the daily determinations of a concentration, made during a calendar month.

AZPDES: The Arizona Pollutant Discharge Elimination System, which is the state program for issuing, modifying, revoking, reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment and biosolids requirements under A.R.S. Title 49, Chapter 2, Article 3.1 and 18, A.A.C. 9. Articles 9 and 10.

Best management practices (BMP): Measures or practices used to reduce the amount of pollution entering the sanitary sewer system, surface water, air, land or groundwaters.

Biochemical oxygen demand (BOD): The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory conditions for five (5) days at a temperature of twenty (20) degrees centigrade, expressed in milligrams per liter.

Branch sewer: An arbitrary term for a sewer which receives sewage from lateral sewers from a relatively small area.

Building connection or sewer tap: The connection to the public sewer and the extension therefrom of the sewer to the property line in an alley or street, or to the easement line in an easement, whichever is applicable, depending on the location of the public sewer.

Building official: The community development administrator, or his authorized representative.

Building sewer or house sewer: The extension from the building drain to the building connection or other place of disposal.

Categorical standards: Those standards promulgated by the U.S. Environmental Protection Agency (EPA) under the authority of section 307(b) and (c) of the Clean Water Act (33 U.S.C. 1317) which apply to a specific category of industrial user and which are published in 40 CFR chapter I, subchapter N (parts 405-471).

Chemical oxygen demand (COD): The quantity of oxygen consumed from a chemical oxidation of inorganic and organic matter present in the water of waste water, expressed in milligrams per liter.

Commercial user: Any nonresidential user which provides a service connected with commerce and which is not classified as an industrial user. The administrator maintains a list of the types of businesses that are commercial users and has the authority to classify specific users.

Composite sample: A combination of individual samples obtained at regular intervals over a specified time period. The volume of each individual sample shall be either proportional to the flow rate during the sample period (flow composite) or constant and collected at equal time intervals during the composite period (time composite).

Composite sample quality: The concentration of some parameter tested in a "composite sample."

Cooling water: The clean waste water discharged from any heat transfer system; such as, condensation, air conditioning, cooling or refrigeration.

Daily average limitation: The maximum allowable concentration in the discharge as measured in a representative sample during a sampling day. In determining compliance with the daily average limitation, city samples shall not be combined with non-city samples.

Developer: Any person engaged in the organizing and financing of a wastewater collection system within an area contributing to a branch, main, or a trunk sewer of the city

sewage works. Such may be either a subdivider or a legal constituted improvement district.

Discharge: The disposal of any sewage, pollutant(s), water or any liquid from any sewer user into the sewage works.

Domestic user: Any user who discharges only domestic wastewater.

Domestic waste: A typical, residential-type waste which requires no pretreatment under the provisions of this article before discharging into the sanitary sewer system, excluding all commercial, manufacturing and industrial wastes.

EPA: The United States Environmental Protection Agency.

Establishment or plant: Any establishment or plant producing liquid waste, with or without suspended solids, required to be discharged into the city sewer system.

Free access: The ability of city personnel to enter user facilities under safe and nonhazardous conditions with a minimum of delay to inspect any and all parts of the user's facility.

Garbage: Solid wastes from the preparation, cooking, and dispensing of food and from the handling, storage, and sale of produce.

Generator: A person who generates wastewater.

Grab sample: An individual sample of effluent collected in less than fifteen (15) minutes without regard for flow or time of day.

Grab sample quality: The concentration of some parameter tested in a "grab sample."

Industrial discharge: Any introduction into the POTW of a nondomestic pollutant which:

- (1) Is produced by a source which would be subject to any categorical standards or pretreatment requirements if such source were to be discharged to the POTW; and
- (2) Contains any substance or pollutant for which a discharge limitation or prohibition has been established by any categorical standard or pretreatment requirement.

Industrial user: An industrial user is one who discharges process wastewater and does not meet the definition of "significant industrial user."

Industrial user permit or permit: The permit granted by the city which each industrial user must first obtain prior to causing or allowing any industrial discharge to the POTW.

Industrial waste: Any liquid, free-flowing waste, including cooling water, resulting from any industrial or manufacturing process or from the development, recovery or processing of natural resources, with or without suspended solids excluding uncontaminated water.

Inflow: Water other than waste water that enters a sewer system (including sewer service connections) from sources such as roof leaders, cellar drains, foundation drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basin, cooling towers, storm waters, surface runoff, street wash waters or drainage.

Instantaneous limitation: The maximum allowable concentration in the discharge at any time as measured in a grab sample. In determining compliance with the

instantaneous limitation, city samples will not be combined with noncity samples.

Interference: A discharge which, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes, or operations, or its sludge processes, use or disposal; causing a violation of any requirement of any environmentally related permit issued by a governmental entity (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA)); and including state regulations contained in any state sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

Lateral sewer: A sewer which discharges into a branch or other sewer and has no other common sewer tributary to it.

Main sewer: A sewer which receives sewage from two (2) or more branch sewers as tributaries.

Maintenance: Keeping the treatment works in a state of repair, including expenditures necessary to maintain the capacity (capability) for which the works were designed and constructed.

National pretreatment standard: Any regulation containing pollutant discharge limitations promulgated by EPA in accordance with section 307(b) and (c) of the Clean Water Act (33 U.S.C. 1317, et seq.) which applies to industrial users. This term includes prohibitive discharge limits established pursuant to 40 CFR 403.5.

Natural outlet: Any outlet into a watercourse, ditch, or other body of surface or ground water.

New source: Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the Clean Water Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, as stated in detail in 40 CFR 403.3(K).

North American Industry Classification System (NAICS): A coded classification of industries utilizing a six (6) digit coding system based upon economic activity developed by the U.S. Department of Commerce and designed to replace the SIC System of classification and published in the North American Industry Classification System Manual in 1997.

Notice: A written instrument served by the city, as follows:

- (1) By use of ordinary mail to the last known address of the person to whom it is required to be given; or
- (2) By personal service upon the person or his lawful representative; or
- (3) By filing or recording with a clerk of the superior court or county recorder.

NPDES permit: A national pollution discharge elimination system permit, issued to the city by the Environmental Protection Agency, which imposes federal standards governing the quality of the treated effluent discharged from the POTW.

Oil and grease: The measure of oil and grease content of a sample as determined by EPA Method 413.1, or other equivalent test method approved by the administrator.

Oil and grease (TPH): The measure of the petroleum and mineral oil content of a sample as determined by EPA Method 418.1, or other equivalent test method approved by the administrator.

Pass through: A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW NPDES permit (including an increase in the magnitude or duration of a violation) or which causes or contributes to a violation of an applicable numeric or narrative water quality standard.

Permit: A written control mechanism that the administrator issues to particular users or classes of users under the authority of chapter 33 of the City Code.

Permittee or permit holder: Any person, firm, association, corporation or trust which owns, operates, processes or controls an establishment or plant being operated under a valid permit to discharge wastewater into the city sewage works.

Person: Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, state, municipality, indian tribe, political subdivisions of the state or federal governmental agency or any other legal entity, including their legal representatives, agents or assigns.

pH: The logarithm of reciprocal of the weight of hydrogen ions in grams per liter of solution.

Pollutant: Any dredged soil, solid waste, incinerator residue, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock sand, cellar dirt, and industrial, municipal and agricultural wastes.

Pollution prevention: Source reduction and other practices that reduce or eliminate the creation of pollutant through:

- (1) Increased efficiency in the use of raw materials, energy, water, or other resource, or
- (2) Protection of natural resources by conservation.

POTW: Publicly owned treatment works and connecting sewer collection system which are owned and/or operated, in whole or part, by the city and which provide the city with waste water collection and disposal services.

POTW residuals: All POTW effluent and/or solids, including sludge, scum, screenings and grit, which are the by-product of waste water treatment operations and which must be discharged to the environment for ultimate disposal and/or reuse.

Pretreatment: The physical, chemical, biological or other treatment of any industrial discharge prior to discharge to the POTW, for the purposes of:

- (1) Reducing the amount or concentration of any pollutant; or
- (2) Eliminating the discharge of any pollutant; or
- (3) Altering the nature of any pollutant characteristic to a less harmful state.

Pretreatment requirements: All of the duties or responsibilities imposed upon POTW users by this article.

Producer: Any person who owns, operates, possesses or controls an establishment or plant, whether or not a permittee.

Properly shredded garbage: Garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-fourth of an inch in any dimension.

Public sewer: A lateral, branch, main or trunk sewer controlled and maintained by the city.

Recycling: A material is recycled if it is used, reused, or reclaimed. A material is used if it is either (1) employed as an ingredient (including its use as an intermediate) to make a product; however a material will not satisfy this condition if distinct components of the material are recovered as separate end products (as when metals are recovered from metal containing secondary materials) or (2) employed in a particular function as an effective substitute for a commercial product. A material is reclaimed if it is processed to recover a useful product or if it is regenerated. Examples include the recovery of lead values from spent batteries and the regeneration of spent solvents.

Replacement: Those expenditures made for obtaining and installing equipment accessories and/or appurtenances during the useful life of the treatment works which are necessary to maintain the capacity and performance of the treatment works for which they were designed and constructed.

Representative sample: A composite sample obtained by flow proportional sampling techniques where feasible. When the administrator determines that flow proportional composite sampling is not feasible the administrator may allow or conduct composite sampling by time proportional techniques or by compositing of one or more grab samples.

Residential dwelling unit: One (1) or more rooms in a dwelling or a portion of a dwelling designed for occupancy by one (1) family for living purposes and having its own cooking and sanitary facilities.

Sanitary sewer: A sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

Sewage: A combination of water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

Sewage treatment plant: Any arrangement of devices and structures used for treating sewage.

Sewage works: All facilities for collecting, pumping, treating, and disposing of sewage. As used in this article, the terms sewer system or sewerage works shall have the same meaning and definitions as sewage works.

Sewer: A pipe of conduit for carrying sewage.

Sewer tap: See "building connection."

Significant industrial user: This term includes:

- (1) All users subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N (parts 405-471).
- (2) Any other user that:
 - a. Discharges an average of twenty-five thousand (25,000) gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);
 - b. Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - c. Is designated as such by the administrator on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

Significant noncompliance: An industrial user is in a state of significant noncompliance (SNC) when violations meet one or more of the following criteria:

- (1) Chronic violations of wastewater discharge limits, defined as those in which sixty-six (66) percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
- (2) Technical review criteria (TRC) violations, defined as those in which thirty-three (33) percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC equals one and four-tenths (1.4) for BOD, TSS, fats, oil, and grease, and one and two-tenths (1.2) for all other pollutants except pH);
- (3) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the administrator determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
- (4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under this chapter to halt or prevent such a discharge;
- (5) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(6) Failure to provide, within thirty (30) days after the due date, required reports such as baseline monitoring reports, ninety-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(7) Failure to accurately report noncompliance; or

(8) Any other violation or group of violations which the administrator determines will adversely affect the operation or implementation of the local pretreatment program.

Slug load: Any pollutant discharged to the POTW in such volume or strength as to cause interference. In particular, any pollutant concentration, quantity or flow rate which, during any period of fifteen (15) minutes or more is greater than five (5) times the average twenty-four-hour concentration, quantity or flow rate for such pollutant during normal operations.

Source reduction: Any practice which:

- (1) Reduces the amount of any pollutant or contaminant entering any wastestream or otherwise released into the environment (including fugitive emissions) prior to recycling, treatment or disposal; and
- (2) Reduces the hazards to public health and the environment associated with the release of such substances, pollutant or contaminants.

Standard industrial classification (SIC): A coded classification of industries based upon economic activity developed by the U.S. Department of Commerce as published in the Standard Industrial Classification Manual, 1972, Office of Management and Budget.

Standard methods: The procedure as described in the most current edition of Standard Methods for the Examination of Water and Waste Water published by the American Health Association, or the most current edition of Manual of Methods for Chemical Analysis of Water and Wastes published by the U.S. Environmental Protection Agency.

Storm sewer or storm drain: A sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

Suspended solids (SS): Solids measures in milligrams per liter that either float on the surface of or are in suspension in water, waste water or other liquids and which are largely removable by a laboratory filtration device, as defined Standard Methods.

System design capacity: The design capacity for normal domestic waste water as established by accepted engineering standards.

Total organic carbon (TOC): The total of all organic compounds expressed in milligrams per liter as determined by the combustion-infrared method prescribed by approved laboratory procedures.

Treatment parameter: A fundamental characteristic of sewage around which treatment is designed, such as, but not limited to, flow, BOD, and suspended solids.

Trunk sewer: A sewer which receives sewage from many tributary main sewers and serves as an outlet for a large territory.

Upset: An exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee, excluding such factors as operational error, improperly designed or inadequate treatment facilities, or improper operation and maintenance or lack thereof.

User: Any person, lot, parcel of land, building, premises, municipal corporation or other political subdivision that discharges, causes or permits the discharge of waste water into the sewage system.

Waste minimization: An activity which eliminates or reduces the amount of any pollutant from entering the wastestream or the environment. This may include a change in raw materials, operational improvement, process improvement, product reformulation, reuse or reclamation.

Waste water: Any liquid or water-carried pollutant, including an industrial discharge, which is introduced into the POTW from any person, dwelling, commercial building, industrial facility or institution.

Watercourse: A channel in which a flow of water occurs either continuously or intermittently.

Zero process discharge user: This term applies to those users that only discharge domestic wastes or have no discharge, but have significant quantities of hazardous materials or high strength waste which, if discharged, would be regulated by this chapter. Such facilities may be regulated by requiring them to have zero discharge of process wastes, thus allowing only domestic wastes to be discharged.

(Code 1963, § 29-27; Ord. No. 1170, § 2, 6-23-81; Ord. No. 1231, § 2, 5-3-83; Ord. No. 1830, § 1, 1-24-95; Ord. No. 2404, § 1, 9-14-04)

Sec. 33-102. Purpose and policy.

(a) This article sets forth uniform requirements for direct and indirect contributors into the waste water collection and treatment system for the city and enables the city to comply with all applicable, local, state and federal laws required by the Clean Water Act of 1977 and the general pretreatment regulations (40 CFR, part 403).

(b) This article provides for the regulation of direct and indirect contributors to the municipal waste water system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customer's capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the programs established herein.

(c) The objectives of this article are:

- (1) To prevent the introduction of pollutants into the waste water system which will interfere with the operation of the system or contaminate the resulting sludge;
- (2) To prevent the introduction of pollutants into the waste water system which will pass through the system,

inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;

(3) To improve the opportunity to recycle and reclaim waste water and sludges from the system; and

(4) To provide for equitable distribution of the cost of the municipal waste water system.

(Code 1963, § 29-28.1; Ord. No. 1170, § 2, 6-23-81)

Sec. 33-103. State requirements.

State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this article. (Code 1963, § 29-28.2; Ord. No. 1170, § 2, 6-23-81)

Sec. 33-104. City's right to alter requirements.

The city reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the waste water disposal system if deemed necessary to comply with the objectives presented in section 33-102, subsection (c) of this Code.

(Code 1963, § 29-28.3; Ord. No. 1170, § 2, 6-23-81)

Sec. 33-105. Enforcement generally.

The provisions of this article are made for the benefit of the users of the city sewage works, for the protection of the sewage works, and to protect the quality of the effluent of the sewage treatment plants. Enforcement shall in no case be willfully ignored by any city official or employee, with the exception of applicable state and federal requirements, such as the pretreatment regulations, the administrator may, at his discretion, order a suspension of a requirement that would cause a gross injustice to a particular user of the system.

(Code 1963, § 29-95; Ord. No. 1170, § 2, 6-23-81; Ord. No. 1231, § 2, 5-3-83)

Sec. 33-106. Rules and enforcement responsibilities.

(a) The community development administrator, or his authorized deputy, agent, or representatives shall have the authority to make regulations for the design and construction of the city's sewer system.

(b) The public works administrator, or his authorized deputy, agent, or representative shall have the authority over all field operations of the city's sewer system, including flow test measurements, quality of waste, service connections, line construction plus the operation and maintenance of all sewer system facilities. He shall issue all permits for the construction and connection to the system, and collect all fees for the same. He shall negotiate all agreements with all parties relative to expansion or joint use by others.

(c) The director of finance or his authorized deputy, agent, or representative shall have the authority to determine and collect all flow service rates and to make such regulations as necessary for same, including the ordering of a discontinuance of service for non-payment of required service fees.

(Code 1963, § 29-27; Ord. No. 1170, § 2, 6-23-81; Ord. No. 1231, § 2, 5-3-83; Ord. No. 2404, § 2, 9-14-04)

Sec. 33-107. Distribution of revenues and utilization of funds.

(a) Funds shall be established for the proper distribution of sewer revenues. Such funds shall include but not be limited to the following:

- (1) Sewer system operations and maintenance fund;
- (2) Sewer system replacement and extension fund;
- (3) Sewer system debt retirement fund.

(b) The distribution of sewer charges to the above funds shall be as follows:

- (1) The applicable portion of the sewer user charge revenues shall be allocated to the sewer system operations and maintenance fund.
- (2) The applicable portion of the sewer user charge revenues shall be allocated to the sewer system replacement and extension fund.
- (3) The applicable portion of the sewer user charge revenues shall be allocated to the sewer system debt retirement fund.

(c) The sewer system operations and maintenance fund shall be utilized for personal services and operational expenses associated with the provision of sewerage system services. The sewer system replacement and extension fund shall be utilized for equipment replacement expenses associated with the provisions of sewerage system services. The sewer system debt retirement fund shall be utilized in servicing the debt of retirement of sanitary sewer bonds.

(Code 1963, § 29-64; Ord. No. 1170, § 2, 6-23-81)

Sec. 33-108. Penalties.

(a) Any user who has violated any provision of this article or any order, rule, regulation or permit issued hereunder, shall be guilty of a Class 1 misdemeanor. In addition, the city may recover reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the user found to have violated any provision of this article or any order, rule, regulation, or permit issued hereunder.

(b) In addition to any criminal penalty which may be imposed for violation of any provision of this article, a user shall be liable for all charges which may be assessed by the administrator on any user of the city sewage works who discharges wastes containing nonpermissible quantities of prohibited substances into the sewage works. The administrator is authorized to assess charges based on the extra costs incurred by the city in surveillance, sampling and testing of the discharges, for additional operating and maintenance expenses, or for any other action required to identify, handle, process or supplement normal activities due to the unauthorized discharge of wastes, plus overhead charges.

(c) In addition to the penalties and remedies provided in subsections (a) and (b) of this section, the city may seek

and recover a civil penalty of not more than twenty-five thousand dollars (\$25,000.00) per day per violation from any user who violates Glendale City Code, chapter 33, article III, divisions 7, 8 and 9, or is in significant noncompliance as defined in section 33-101.

(d) In addition to civil penalties imposed herein, the user shall be liable for any civil penalty imposed on the city as a result of the violation.

(Ord. No. 1830, § 2, 1-24-95)

Sec. 33-109. Termination or suspension of water or sewer service.

(a) The administrator shall have the authority to discontinue water or sewer service to a premises for any of the following reasons:

- (1) Failure to pay a charge assessed by the administrator for unauthorized discharges.
- (2) Failure to correct an unauthorized discharge as required by the administrator.
- (3) Discharging any unauthorized substances, materials, water or waste as prohibited by this article or the administrator.
- (4) Any other violation of this chapter.

(b) Such service shall not be restored until such violations have been discontinued or eliminated and all outstanding charges paid. The discontinuance of sewer service shall be accomplished by physically cutting and blocking the building connection. A charge in the amount established by resolution shall be paid to the finance department for sewer service.

(c) In addition, the administrator shall have the authority to suspend water or sewer service with only informal notice to the industrial user when, in the opinion of the administrator, such action is necessary to stop an actual or threatened discharge which reasonably appears to present an imminent endangerment to public health or welfare.

(d) Upon notice of the final determination by the administrator of an assessment owing or order to correct an unauthorized discharge, the responsible party shall tender the fee assessed within ten (10) days of the date ordered or discontinue the unauthorized discharge as ordered by the administrator. In the event the unauthorized discharge is not corrected or the assessment is not tendered, it is hereby declared to be, and is, a public nuisance which may be abated by order of a court of competent jurisdiction and its continued operation is unlawful. The remedy provided herein shall be in addition to any other remedy authorized by this article.

(Code 1963, §§ 29-84(b)-(d), 24-96(a); Ord. No. 1170, § 2, 6-23-81; Ord. No. 1231, § 2, 5-3-83)

Sec. 33-110. Falsifying information.

Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this ordinance, or waste water contribution permit, or who falsifies, tampers with, or

knowingly renders inaccurate any monitoring device or method required under this chapter, shall be guilty of a misdemeanor.
(Code 1963, § 29-96(c); Ord. No. 1170, § 2, 6-23-81)

Sec. 33-111. Service outside city limits.

(a) For all places outside the corporate limits of the city not mentioned in this article where sewer service is rendered by the city, and for which no rate is specifically fixed, the rate to be charged, including a connection charge, shall be as fixed by the city council.

(b) City sewer service offered to users outside the city limits shall be offered by the city subject to compliance by the users with the terms of this article.

(Code 1963, § 29-94; Ord. No. 1170, § 2, 6-23-81)
Secs. 33-112--33-125. Reserved.

DIVISION 2. CONNECTIONS TO PUBLIC SEWERS

Sec. 33-126. Permit.

(a) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the public works department.

(b) Each person making application for a building connection shall present a valid plumbing permit issued by the city building official, or his authorized representative as a prerequisite for the approval of the requested building connection. All applications for building connections to be constructed by public works department shall be accompanied by the current fee for such work.

(Code 1963, §§ 29-29, 29-30; Ord. No. 1170, § 2, 6-23-81)

Sec. 33-127. Building connections.

(a) All building connections shall be installed by a private contractor at the property owner's expense. The design, number, location, manner of connection and size of all building connections installed by a private contractor shall be subject to the approval of the community development administrator. Building connections shall be installed on lateral sewers only, unless specifically authorized and approved by the public works administrator. All building connections shall be constructed in accordance with standards and specifications on file in the community development department.

(b) The city may perform the building connection for sewer lines of four (4) inches or greater if the administrator deems it necessary and in the best interest of the city. If the city performs the building connection, the owner or developer shall pay a fee established by resolution.

(Code 1963, § 29-31; Ord. No. 1170, § 2, 6-23-81; Ord. No. 1437, § 4, 7-1-86)

Sec. 33-128. Records.

The community development department shall keep a record of all building connections made, the purpose for which they are to be used, together with the name of the owner of the property, his agent or representative.
(Code 1963, § 29-32; Ord. No. 1170, § 2, 6-23-81)

Sec. 33-129. Sewer wet taps.

The city shall make all taps from the city's energized sewer system. When taps are needed, the contractor/owner shall make all cuts to expose the sewer main in sufficient size to allow the city field crews enough room to make the necessary tap and provide shoring when required. The contractor/owner shall also furnish and install the saddle tee with collar or "Wyes." A charge in an amount established by resolution shall be assessed for each tap and shall be paid prior to the city making such tap. When the city installs the sewer service, there shall be no separate charge for the tap.

(Ord. No. 1437, § 5, 7-1-86)

Editor's note: Ord. No. 1437, § 5, adopted July 1, 1986, amended section 33-129 to read as herein set out and as may be amended. Previously, § 33-129 pertained to fee for building connection and derived from Code 1963, § 29-33; and Ord. No. 1170, § 2, adopted June 23, 1981. Provisions for building connection fees are now covered by § 33-127.

Sec. 33-130. Sewer development fees.

A sewer development fee is assessed for residential dwelling units and non-residential developments constructed in the city, as provided in Chapter 28, Article VI.

(Code 1963, §§ 29-37, 29-38; Ord. No. 1170, § 2, 6-23-81; Ord. No. 1174, § 2, 7-28-81; Ord. No. 1277, § 1, 4-24-84; Ord. No. 1292, § 1, 7-14-84; Ord. No. 1903, § 5, 10-22-96)
Secs. 33-131--33-140. Reserved.

DIVISION 3. SEWER EXTENSIONS

Sec. 33-141. Generally.

(a) Sanitary sewer facilities connecting with the existing city sewer system shall be installed to serve a subdivision with a separate private lateral for each lot and to grades and sizes shown on the plans submitted pursuant to chapter 31.

(b) In new developments where public sewers are authorized by the city, public sewers shall be constructed at the developer's expense. Detailed plans and specifications for public sewer extensions must be approved by the community development administrator prior to construction. The engineering cost for the preparation of plans and specifications, the staking of the location of the new public sewers, the cost of inspecting the construction, and preparation of as-built plans shall be assumed by the developer. The city will perform the inspection during construction.

(c) The ownership of all public sewer lines, pumping stations, treatment facilities, and equipment and other appurtenances to the sewer system maintained, or accepted for maintenance, by the city shall be vested in the city, and in no case shall the owner of any premises have the right to claim any part except where otherwise provided in this Code.

(Code 1963, § 29-35; Ord. No. 1170, § 2, 6-23-81)

Sec. 33-142. Approval and general standards.

No public sewer extensions shall be made until the plans and specifications are approved by the community development administrator. Public sewer extensions shall be constructed in accordance with standards and specifications as set forth in the *Uniform Standard Specifications for Public Works Construction* as sponsored and distributed by the Maricopa Association of Governments. Such document is on file in the office of the community development administrator.

(Code 1963, § 29-34; Ord. No. 1170, § 2, 6-23-81)

Sec. 33-143. Special provisions for sewer taps and extension.

In all residential, commercial and industrial parcels, lots or subdivisions where public sewer extensions are authorized by the city and constructed at the owner/developer's expense, the city may authorize the owner/developer or his agent, if he so desires, to install building connections with "Wyes" and connect the building sewers to the building connection under the following provisions:

(1) That the construction of public sewer, building connections and connections of building sewers to the building connections, shall be made under the supervision of a registered civil engineer, holding registration in this state, who shall submit three (3) copies of the "as built plans," bearing the registered civil engineer's seal and number, to the community development administrator. It shall be the duty of the registered civil engineer employed by the owner/developer to require that all building connections serving lots, parcels or subdivisions upon which no buildings are connected be effectively sealed until such time as the building will be constructed on the lots left vacant. Such sealed connections shall be inspected and approved by the building inspector before being backfilled and shall be designated on the "as built plans." Effective seal shall consist of vitrified clay stoppers inserted in the bell of the sewer, extending to the property line in the alley, or to the curve line in the street from the public sewer, which stopper shall be jointed according to the city's specifications. Stoppers shall be permanently flagged by attaching one (1) piece of a length of copper wire to the stopper and the other end to a broken piece of clay pipe which shall be placed under the soil's surface directly over the end of the sewer pipe.

(2) Before any sewer connection is commenced, plumbing permits shall be obtained by the

owner/developer or his agent from the community development administrator.

(3) When the "as built plans" are submitted to the community development administrator, a record will be made of the building connections. The building inspector shall inspect the connections to ascertain that all requirements of the city plumbing code have been fulfilled. (Code 1963, § 29-36; Ord. No. 1170, § 2, 6-23-81; Ord. No. 1437, § 6, 7-1-86)

Secs. 33-144--33-155. Reserved.

DIVISION 4. PRIVATE SEWAGE DISPOSAL SYSTEMS

Sec. 33-156. Compliance.

Except as provided in this article, it shall be unlawful to construct or maintain within the city any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

(Code 1963, § 29-39; Ord. No. 1170, § 2, 6-23-81)

Sec. 33-157. Additional requirements authorized.

No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the health departments of the state and county. (Code 1963, § 29-42; Ord. No. 1170, § 2, 6-23-81)

Sec. 33-158. When allowed.

Where a public sanitary sewer is not available within the city, or in any area under the jurisdiction of the city, the building sewer shall be connected to a private sewage disposal system, complying with the provisions and recommendations of the state department of health services and the sanitary code of the county health department. Such installations must be approved, in writing by the city engineer prior to requesting any permit from the county. Such private sewage disposal system shall be constructed, maintained, and operated at all times in a sanitary manner. (Code 1963, § 29-40; Ord. No. 1170, § 2, 6-23-81; Ord. No. 2058, § 1, 1-12-99)

Sec. 33-159. Abandonment.

(a) At such time as a public sewer becomes available to property served by a private sewage disposal system, the property owner may, at the property owner's sole expense, connect to the public sewer and abandon the existing private system(s) servicing the property.

(b) When public sewers become available in areas utilizing private systems, a property owner may continue to operate and maintain the private system provided such private system is operating properly and does not pose any environmental problems or hazards.

(c) At any time that a private system, in an area serviced by public sewer, (1) requires repairs or is modified and such repair or modification requires a permit by the county or (2) creates an environmental problem or hazard which is

not repaired or which cannot be repaired without a permit issued by the county, the property owner shall immediately make modifications to connect to the public sewer and abandon the existing private system(s) servicing the property.

(d) Any septic tank, cesspool or similar private sewage disposal facilities abandoned pursuant to this section shall be filled with suitable material in accordance with all applicable state and county regulations within ninety (90) days after the date the private system is abandoned. (Code 1963, § 29-41; Ord. No. 1170, § 2, 6-23-81; Ord. No. 2058, § 1, 1-12-99)

Secs. 33-160--33-170. Reserved.

DIVISION 5. USER CHARGES

Sec. 33-171. Generally.

(a) In order to provide for protection of the public health, safety and welfare of the citizens of the city, a system of charges for sewerage use service is hereby established.

(b) The establishment and collection of all users fees shall be under the direction of the city's finance director.

(c) In accordance with the provisions of this article, the city shall establish user charges before the treatment works constructed with grant funds received from the Environmental Protection Agency as authorized by title II of the Federal Water Pollution Control Act, as amended, are placed in operation.

(Code 1963, §§ 29-43, 29-44; Ord. No. 1170, § 2, 6-23-81)

Sec. 33-172. Establishment procedure.

Sewer user charges established by ordinance of the city council shall be based upon the city's determination of the cost of rendering sewerage services including the following:

- (1) The total applicable costs of salaries and benefits of employees engaged in operating sewerage service.
- (2) Applicable maintenance expenses, including parts, materials, and services incurred in providing sewer service.
- (3) Applicable replacement costs necessitated for the provision of sewer services.
- (4) Appropriate indirect costs of the department and other supporting departments in rendering sewer related services, such as purchasing, accounting, billing and administration.

(Code 1963, § 29-45; Ord. No. 1170, § 2, 6-23-81)

Sec. 33-173. Rate calculation formula.

(a) Service user charges shall be calculated on the following formula for the appropriate designated categories:

Sewer User Charge Formula

$$Uc = Vq Vom + \frac{(8.34)(Bs \times Bom)}{1000 \text{ lbs}} \times Vq + \frac{(8.34)(Ss \times Som)}{1000 \text{ lbs}} \times Vq + \frac{Adm}{(Nc)(12)}$$

Formula Definitions:

Uc = User Charge

Vq = Volume of wastewater (thousands of gallons)

contributed to system by user per month, as established in subsubsection (b)

Vom = Unit of cost of sewerage service allocable to volume of wastewater (that portion of O&M allocable to flow divided by total flow in MG)

Bs = Concentration of BOD in milligrams per liter

Bom = O&M costs for treatment of a unit BOD

Ss = Concentration of suspended solids in milligrams per liter

Som = O&M cost for treatment of a unit of suspended solids

Nc = Number of customers

Adm = Administrative and billing costs

(b) That wastewater volume (Vq) for uses shall be determined as follows:

(1) Single-family residential customers as defined by the utilities director: The volume of wastewater contributed by single-family residential customers shall be set at ninety (90) percent of the average monthly water billed during the preceding January, February and March. If the director determines that adequate meter information is not available for billing a single-family residential customer, then the customer will be charged an average monthly billing for that user class.

(2) Multi-family residential and commercial customers as defined by the utilities director: The volume of wastewater contributed by multi-family residential and commercial customers shall be set at ninety-five (95) percent of the average monthly water billed during the preceding January, February and March. If the director determines that adequate meter information is not available for billing a multi-family residential or commercial customer, then the customer will be charged an average monthly billing for that user class.

(3) Each industrial customer will be considered a separate user class and the director shall determine the individual factors to be applied to the monthly water meter reading to determine the monthly sewage flow.

(Code 1963, § 29-46; Ord. No. 1170, § 2, 6-23-81; Ord. No. 1609, § 1, 6-27-89; Ord. No. 2227, § 1, 11-13-01)

Sec. 33-174. Establishment of service user charge rate schedules.

(a) Service user charge rate schedules for all categories will be established by council resolution using the formulae noted in section 33-173.

(b) Service user charge categories based on waste water flow, BOD, and SS shall be established for the purpose of setting rate schedules.

(Code 1963, § 29-47; Ord. No. 1170, § 2, 6-23-81; Ord. No. 2404, § 3, 9-14-04)

Sec. 33-175. Annual notification to users.

Each user shall be notified at least annually, in conjunction with a regular bill, of the sewer user charge rate and that portion of the total bill attributable to operation, maintenance and replacement costs for sewer service.

(Code 1963, § 29-48; Ord. No. 1170, § 2, 6-23-81)

Sec. 33-176. Proportionate distribution.

The council shall review, not less often than every two (2) years, user's contribution, operation and maintenance costs and the user charge system to accomplish the following:

(1) Maintain the proportionate distribution of operation and maintenance costs among users and user classes as required herein;

(2) Generate sufficient revenues to pay the total operation and maintenance costs necessary to the proper operation and maintenance (including replacement) of the sewerage system; and

(3) Apply excess revenues collected from a class of users to the costs of operation and maintenance attributable to that class for the next year and adjust the rate accordingly.

(Code 1963, § 29-49; Ord. No. 1170, § 2, 6-23-81)

Sec. 33-177. Precedence of user charge system over inconsistent agreements.

The sewer user charge system as set forth in this division shall take precedence over any terms or conditions of agreements or contracts between the city and users which is inconsistent with the requirements of public law 95-217 and federal regulations issued pursuant thereto.

(Code 1963, § 29-50; Ord. No. 1170, § 2, 6-23-81)

Sec. 33-178. Other charges on rate schedules.

The council may set by resolution additional charges to the service user charges to cover the annual debt service charges for the retirement of sanitary sewer bonds and debt service recovery.

(Code 1963, § 29-51; Ord. No. 1170, § 2, 6-23-81)

Sec. 33-179. Temporary charge for single family dwellings with individual septic tanks.

Until the city can acquire additional sewer trunk line capacity, a charge for capital outlay and debt service and an administrative and billing charge will be assessed

owners of single family dwellings with individual septic tanks. The owner of the single family dwelling must execute an agreement in a form approved by the city manager assuming responsibility for service to the individual septic systems. At such date that the city acquires sufficient trunk line capacity to allow the individual septic system owners to connect to the city's sanitary sewer lines, the owner shall connect to the city's system. After connection to the city's system, the full user charge rates as set by council resolution for all single family owners shall apply.

(Code 1963, § 29-52; Ord. No. 1170, § 2, 6-23-81)

Sec. 33-180. Reserved.

Editor's note: Ord. No. 1547, § 4, adopted June 14, 1988, repealed § 33-180, concerning deposit, as derived from Code 1963, §§ 29-55-29-57; and Ord. No. 1170, § 2, adopted June 23, 1981.

Sec. 33-181. Determination of waste water quantity and billings.

(a) For users with installed water meters that are to be billed on basis of water consumption, the charges established herein shall become effective after each user's first regular meter reading. For users to be billed on a flat rate the charges established herein shall be effective on the first month after the rates established herein become effective.

(b) Any affected user who fails or refuses to install a water meter to any source of water supply used, within thirty (30) days after written notice by the administrator to do so, shall be charged on water usage estimated by the administrator.

(c) In the event a user discharges sanitary sewage, industrial wastes, water or other liquids into the city sewer system, either directly or indirectly, and it can be shown by such party, to the satisfaction of the administrator that a portion of the water as measured by the water meter or meters does not and cannot enter the sewer system, then the administrator may determine in such manner and by such method as he may find practicable the percentage of metered water entering the sewer system. The quantity of water used to determine the sewer charge shall be that percentage, determined by the administrator entering the system. In the absence of suitable data to make such a determination the sewer user charge will be based on the amount of water supplied to the premises. The administrator may require or permit the installation of acceptable additional water or sewer meters at such party's expense and in such a manner as to determine the quantity of water used to determine the sewer charge shall be the quantity of water actually entering the sewer system, in which case, the quantity of water used to determine the sewer charge shall be the quantity of water actually entering the sewer system as so determined. In the event such additional water or sewer meters are installed, an additional monthly charge in the amount established by

resolution shall be made to cover the cost of reading and computing the flow of each such meter and such additional charge shall be added to each sewer charge bill rendered.

(d) After installation of approved measuring equipment, it shall be the obligation of each user to conduct a test on such measuring equipment at least once every twelve (12) months to determine its accuracy and the results thereof shall be furnished in writing to the administrator. Those users seeking renewal of an industrial user permit or an interim industrial user permit shall file the results as part of the report required in this article. It shall also be the user's responsibility to notify the public works department within a reasonable time in advance so that the department may, if it chooses, have a witness present during such test. If upon any such test the percentage of accuracy is found to be within the accuracy tolerance as established by the manufacturer's specifications, such measuring equipment shall be determined to have correctly measured the quantity delivered to the sewer system. If, however, upon any such test the percentage of accuracy is found to be in excess of the accuracy tolerance specified by the manufacturers, then such measuring equipment shall be immediately adjusted to register correctly the quantity delivered to the sewer system. The billings to such user shall be adjusted for a period extending back to the time when the inaccuracy began, if such time is ascertainable, or for a period extending back one half of the time elapsed since the time is not ascertainable.

(e) All users for which the water supply is from other suppliers of water shall furnish to the city either a certified meter reading of water delivered to its plant or company, or a copy of the billing from the water supplier. In this event, the user's charges will be calculated and the same conditions will apply as if the city were the supplier of water to the user.

(Code 1963, § 29-58; Ord. No. 1170, § 2, 6-23-81)

Sec. 33-182. Due date; penalty for late payment.

(a) All bills for sewer service shall be due and payable on the billing dates of the various districts, and if not paid within twenty (20) days thereafter will be considered delinquent and the sewer service may be discontinued without notice. Where service has been discontinued or where a customer service contact has been attempted or made, on account of default in payment, a charge in the amount established by resolution will be made; provided that in the event such a charge has been made on account of default for water service, then there shall be no charge for default of sewer service. In the event extraordinary costs are incurred by the city to discontinue the sewer service, such costs shall be paid by the customer before water service is continued.

(b) All rates and service charges are due and payable when rendered and shall be delinquent twenty (20) days after date rendered. A delinquent bill shall be subject to a penalty, established by the city, on any outstanding unpaid balance. Any delinquent account requiring special

collection effort may be assessed a delinquent collection charge to cover the cost of the special collection effort, as established by the administrator subject to the approval of the city manager.

(Code 1963, §§ 29-54, 29-59(b); Ord. No. 1170, § 2, 6-23-81; Ord. No. 1547, § 5, 6-14-88)

Sec. 22-183. Billing records and notices.

All sewer user accounts shall be carried on the books of the finance department by the house and street number. All notices regarding any other matter pertaining to the use of the city sewer system shall be sent to the house and street number of such property. Should the owner of the property desire personal notice from the city, he should file an application on a form to be furnished by the department. To insure proper delivery of notices, all errors in house numbers should be promptly reported to the finance department.

(Code 1963, § 29-59(a); Ord. No. 1170, § 2, 6-23-81)

Secs. 33-184--33-200. Reserved.

DIVISION 6. COLLECTION PROCEDURES AND REMEDIES

Sec. 33-201. Generally.

All sewer charges to be added to, and collected with the bills as rendered for water by the finance and/or public works department, (and where the user does not use city water such bill shall be due for sewer service rendered) and all of the rules and regulations promulgated by the finance and/or public works department shall apply to, and be effective in, the collection of such sewer service charges.

(Code 1963, § 29-53; Ord. No. 1170, § 2, 6-23-81)

Sec. 33-202. Termination of water or sewer service for non-payment.

(a) If a sewer bill is not paid within five (5) days after date of delinquency and notice of delinquency has been given, water or sewer service may be disconnected from the premises of the delinquent customer and a delinquent turn-off fee charged to customers account. The delinquent turn-off fee plus the total amount of the bill due and any deposit, if such deposit is required, shall be collected before providing sewer service or water service again.

(b) A consumer's water or sewer service may be disconnected for nonpayment of a bill for sewer service rendered at a previous location, served by the city, provided such bill is not paid within twenty (20) days after the unpaid bill has been presented to the consumer at his new location.

(c) Before discontinuing sewer service for nonpayment of any sewer user charge, deposit or other assessment provided for in this article, the administrator shall:

(1) Give written notice to the person of the discontinuance.

(2) Answer any questions the person may have about his delinquent account.

(3) And if, requested by the person, schedule a hearing with the administrator or his designee on any disputed matter relative to the discontinuance of sewer service.

(d) When a user of the sewer system has been notified of the amount of sewer user charges remaining due after the deduction of all applicable deposits, and payment for same has not been received, the city may assign the account to a bona fide collection agency.

(e) Before water or sewer service will be turned on to any premises, all charges against the premises then due and payable to the city as required by this chapter, and any of the following items have been paid:

(1) Labor supplied or materials furnished by the public works department in the installation of service pipes connecting the premises with the city sewer mains, or for tapping the city sewer system;

(2) Water and sewer service previously supplied to the premises, whether used by the applicants or by some previous occupant of the premises;

(3) The assessment of any fine or penalty;

(4) The fee for turning water or sewer services off or on; or

(5) The fee for repair or replacement of damaged, stolen or misused sewer works facilities.

(Code 1963, §§ 29-59(b), (c), (e), (f), 29-60; Ord. No. 1170, § 2, 6-23-81; Ord. No. 1547, § 6, 6-14-88)

Sec. 33-203. Collection by collection agency.

After procedures outlined in section 33-202 have been exhausted and it has been determined that a person, firm or corporation is responsible for remaining charges after deduction of his deposit, the administrator may assign the account to a bona fide collection agency for collection. (Code 1963, § 29-61; Ord. No. 1170, § 2, 6-23-81)

Sec. 33-204. Lien for unpaid charges.

(a) Any charges imposed by this article if not paid by the due date specified by this article shall constitute a lien on the property, lot or tract of land to which service was rendered.

(b) Upon delinquency, the administrator shall give notice to the user of the property which shall indicate that the city will file a lien on the subject property unless the above-named pays all past charges due.

(c) If delinquent charges due are not paid, the administrator shall prepare, in triplicate, copies of a "notice and claim of lien" and shall file one copy with the county recorder of the county in which the property is located. The administrator shall then promptly send, by ordinary mail, a copy to the above named at the last known mailing address or the address to which service charge billings were sent. The "notice and claim of lien" shall contain the following:

(1) A description of the property sufficient for identification.

(2) The name of the sewer user or recorded owner of the property.

(3) The amount owed.

At such time as the lien is filed, the cost of preparing, processing and releasing the lien shall be added to the amount then due.

(d) From and after the date of its recording in the office of the county recorder, the lien shall attach to the property until paid. A sale of the property to satisfy the lien shall be made upon judgment of foreclosure and order of sale. The city shall have the right to bring an action to enforce the lien in the superior court of the county in which the property is located, at any time after its recording but failure to enforce the lien by such action shall not affect its validity. The record "notice and claim of lien" shall be prima facie evidence of the truth of all matters recited therein and the regularity of all proceedings prior to the recording therein.

(e) A prior recording for the purposes provided in this section shall not be a bar to the subsequent recording of a lien for such purposes, and any number of such liens on the same property may be enforced in the same action. (Code 1963, §§ 29-62, 29-62.1-29-62.4; Ord. No. 1170, § 2, 6-23-81)

Sec. 33-205. Collection of by civil suit.

Delinquent sewer charges may also be collected by a civil suit, instituted in the name of the city by the city attorney at the request of the finance director at any time after the charges become delinquent notwithstanding any other provision to the contrary. The remedies provided by this section shall be cumulative and supplemental to other remedies provided under this article.

(Code 1963, § 29-63; Ord. No. 1170, § 2, 6-23-81)

Secs. 33-206--33-215. Reserved.

DIVISION 7. GENERAL USE REGULATIONS

Sec. 33-216. Interference with public works department; digging up streets without permit; tampering with equipment prohibited.

(a) Any person who shall in any way interfere with employees of the public works department in any discharge of their duties, either in the tapping of any sewer pipe, main, or lateral belonging to the city, or the cleaning, laying or connection of any such pipe or main or lateral, or who shall dig up or cause to be dug up, any street or alley in the city for the purpose of connecting with the sewer system of the city without first obtaining a permit from the administrator, or who, having a permit, shall dig up any portion of any street or alley of the city for the purpose of connecting with the sewer system of the city and shall fail or neglect to place the street or alley in its original condition, or who shall maliciously or willfully break, damage, destroy, uncover, deface, or tamper with any

structure, appurtenance, or equipment which is a part of the municipal sewer system shall be guilty of a misdemeanor.

(b) Any expense caused to the city for the repair or replacement of damaged, stolen, tampered with or misused sewer or water facilities shall be charged against and collected from the person or persons who caused the expense.

(Code 1963, §§ 29-59(d), 29-65; Ord. No. 1170, § 2, 6-23-81)

Sec. 33-217. Responsibility for cleaning, repair, and replacement of building sewers and connections.

(a) The property owner shall be responsible for the maintenance and repair of the building connection piping serving the property from the home or building to the public sewer line, except when the repair requires excavation in a public street or sidewalk, in which case the city shall take responsibility for the repair.

(b) Where the correction of a stoppage requires the repair or replacement of a mangled or broken section of the building connection, and the damaged or broken section is located off-property in a street or alley, the necessary repairs must be made by a licensed contractor, the scope of which licenses allows him to work within a public right-of-way subject to securing a right-of-way permit from the community development department. (Code 1963, § 29-66; Ord. No. 1170, § 2, 6-23-81; Ord. No. 1808, § 1, 6-14-94)

Sec. 33-218. Unsanitary disposal of wastes.

It shall be unlawful for any person to deposit, or permit to be deposited, in an unsanitary manner, upon public or private property within the city, or in any area under the jurisdiction of the city, any human or animal excrement or other objectionable waste.

(Code 1963, § 29-67; Ord. No. 1170, § 2, 6-23-81)

Sec. 33-219. Treatment of polluted wastes required.

It shall be unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of the city, any sewage, industrial wastes, or other polluted water, except where suitable treatment has been provided in accordance with the provisions of this article.

(Code 1963, § 29-68; Ord. No. 1170, § 2, 6-23-81)

Sec. 33-220. General user requirements.

It shall be unlawful for any user to discharge or cause to be discharged to the sewage works:

(1) Inflow, as defined in section 33-101.

(2) Pollutants which create a fire or explosion hazard to the sewage works. In no case shall pollutants be discharged with a closed cup flashpoint less than one hundred forty (140) degrees Fahrenheit (sixty (60) degrees centigrade), or pollutants which cause an exceedance of

ten (10) percent of the lower explosive limit (LEL) at any point within the sewage works for any single reading or more than five (5) percent for any two (2) consecutive readings.

(3) Solid or viscous pollutants, petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through or that will cause obstruction to the flow in sewers or other interference or damage with the sewage works.

(4) Any waters or wastes containing a toxic, radioactive, poisonous or other substances in sufficient quantity to injure or interfere with any sewage treatment process, cause corrosive structural damage, constitute a hazard to humans or create any hazard to the sewage works or in the receiving waters of the sewage works or pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

(5) Any waters with a pH less than five (5.0) standards units (S.U.) or greater than ten and five-tenths (10.5) S.U.

(6) Any waters with a temperature greater than one hundred fifty (150) degrees Fahrenheit (sixty-six (66) degrees centigrade) or heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no event heat in such quantities that the temperature at the head-works of the POTW treatment plant exceeds one hundred four (104) degrees Fahrenheit (forty (40) degrees centigrade).

(7) Any water or waste that has in any way been diluted, as a substitute for pretreatment, for the purpose of obtaining compliance with any categorical standard or pretreatment requirement imposed by this chapter except where dilution is expressly authorized by any categorical standard.

(8) Any water or waste that could cause a violation of any categorical standard or pretreatment requirement.

(9) Any water or waste that is transported from the point of discharge to the POTW by any septic tank pumper, chemical waste hauler, or similarly transported unless the transporter has first:

a. Disclosed to the administrator the origin, nature, concentration and volume of all pollutants to be discharged; and

b. Obtained the consent of the administrator to discharge.

(10) Any water or waste which could cause interference or pass through with POTW operations.

(11) Any discharge that exhibits a characteristic of a hazardous waste, or contains a substance that is listed as a hazardous waste pursuant to either Arizona Administrative Code R18-8-261 or title 40, Code of Federal Regulations part 261, whichever is applicable, whether or not the discharge is otherwise subject to hazardous waste regulations.

(12) Any water or wastes exceeding the limits for the following parameters expressed in the total form except as otherwise indicated:

Table 1

**INSTANTANEOUS EFFLUENT
LIMITATIONS**

Substance Limit

Benzene 35ug/L

Chloroform 2,000 ug/L

(ug/L = micrograms per liter)

(13) Any of the following prohibited substances:

4, 4'-DDE

4, 4'-DDT

Aldrin

BHC-Alpha

BHC-Beta

BHC-Gamma (lindane)

Heptachlor

Heptachlor epoxide

Polychlorinated biphenyl compounds.

(Ord. No. 1830, § 3, 1-24-95; Ord. No. 2404, § 4, 9-14-04)

Sec. 33-221. Authority of administrator to establish permissible limits, approve waste discharges, impose charges.

(a) The administrator shall have the authority to regulate the volume and flow rate of discharge to the sewage works, and to establish permissible limits of concentration for various specific substances, materials, waters or wastes that can be accepted into the sewage works, and to specify those substances, materials, waters or wastes that are prohibited from entering the sewage works.

(b) The admission into the public sewers of any waters or wastes having:

(1) A five-day biochemical oxygen demand greater than three hundred (300) milligrams per litre by weight; or

(2) Containing more than three hundred fifty (350) milligrams per litre by weight of suspended solids; or

(3) Containing any quantity of substances having the characteristics described in section 33-220; or

(4) Having an average daily flow of greater than twenty-five thousand (25,000) gallons,
shall be subject to the review and approval of the administrator.

(c) The administrator shall impose charges on any user of the city's sewage works who discharges wastes having a strength greater than normal sewage or containing nonpermissible quantities or prohibited substances into the public sewer system. The charges so imposed shall be based on the extra costs incurred by the city in surveillance, sampling and testing of the discharges, for additional operating and maintenance expenses, or for any other action required to identify, handle, process or supplement normal activities due to the unauthorized discharge of excessive strength or unusual character wastes, plus overhead charges. Failure by a user so charged to pay the charges and to provide such corrective measures as may be required to prevent further

unauthorized discharges, after due notice by the administrator and being given a reasonable time to comply, shall be sufficient cause to discontinue sewer service to the premises.

(d) The administrator shall enforce POTW user compliance with the requirements of this article. In carrying out this responsibility the administrator has authority to:

(1) Issue or amend (as applicable) class A and class B wastewater discharge permits. Once issued, a permit:

a. Will be for a period of time not to exceed five (5)

years. A permit may be terminated by revocation by the administrator or upon voluntary surrender of the permit by the permittee at an earlier date;

b. Is non-transferable by the permittee;

c. Will specifically identify all applicable discharge prohibitions and limitations which the administrator will enforce;

d. May be amended as deemed appropriate by the administrator;

e. May contain monitoring requirements;

f. May contain reporting requirements;

g. May contain requirements for installation and maintenance of inspection and sampling facilities;

h. May contain required notifications;

i. May contain requirements for a plan to control slug discharges and spills. The plan shall contain at a minimum:

i. A description of discharge practices, including non-routine batch discharges; and

ii. A description of stored chemicals; and

iii. Procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response;

j. May require implementation of Best Management Practices (BMPS) to reduce or eliminate the amount of pollutants discharged to the POTW;

k. May contain requirements to control or reduce the concentrations of any of the substances identified in sections 33-220 and 33-232(3) through the use of best management practices;

l. May contain standard permit conditions;

m. May contain other conditions and requirements as deemed reasonably necessary by the administrator to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, to protect against damage to the POTW and to ensure user compliance with this chapter, and state and federal laws, rules and regulations.

(2) A permit may be revoked by the administrator for good cause, including, but not limited to:

- a. Failure to notify the administrator of significant changes to the wastewater prior to the changed discharge;
- b. Failure to provide prior notification to the administrator of changed conditions pursuant to section 33-231;
- c. Misrepresentation or failure to fully disclose all relevant facts in the waste-water discharge permit application;
- d. Falsifying self-monitoring reports;
- e. Tampering with monitoring equipment;
- f. Refusing to allow the administrator timely access to the facility premises and records;
- g. Failure to meet effluent limitations;
- h. Failure to pay fines and penalties;
- i. Failure to pay sewer charges;
- j. Failure to meet compliance schedules;
- k. Failure to complete a wastewater survey or the permit application;
- l. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- m. Violation of any pretreatment standard or requirement, or any terms of the permit or requirement of this chapter.

(3) Receive and analyze all self-monitoring reports and notices submitted by industrial users.

(4) Randomly sample and analyze effluent from POTW users and conduct those surveillance and inspection activities needed to identify, independently of any information supplied by such users, occasional or continuing noncompliance with any categorical standard or pretreatment requirement.

(5) Investigate instances of noncompliance with any categorical standard or pretreatment requirement when notice of any actual or probable noncompliance has been received by the administrator or any representative of the administrator.

(6) Notify POTW users of noncompliance with categorical standards or pretreatment requirements discovered by the administrator. Such notice shall also contain a demand for any appropriate corrective action, which is necessary to meet the applicable requirements of this article. Any POTW user will be allowed opportunity to respond to an order of the administrator before any enforcement action against such user is initiated, unless the discharge is a threat to the public health, safety and welfare, in which case the administrator may initiate enforcement action without giving notice.

(7) Comply with the public participation requirements of 40 CFR and A.R.S. § 49-391 in connection with the city's enforcement of any pretreatment standards and requirements.

(8) Impose appropriate penalties for noncompliance with any of the requirements of this article. Such penalties may include any or all of the following:

- a. Suspension or revocation of any industrial user permit for the failure of an industrial user to comply with the pertinent requirements of such permit.

- b. Termination of POTW services.
- c. Restricting or otherwise limiting allowable discharges.
- d. Requesting that the city attorney commence criminal and/or civil action against any user violating any requirement of this chapter.

(9) Annually publish, in the largest daily newspaper published in the city, public notice of all industrial users who at least once during the prior calendar year were in significant noncompliance (SNC). SNC is determined at any time of the year, except that for chronic and TRC violations, SNC is determined at the beginning of each quarter using the prior six (6) months. Chronic and TRC SNC is determined four (4) times during the year and the total evaluation period covers fifteen (15) months. The notification shall also summarize any enforcement actions taken against such users during the calendar year.

(10) Notify industrial users of applicable pretreatment standards and any applicable requirements under section 204(b) and 405 of the Clean Water Act and subtitles C and D of the Resource Conservation and Recovery Act. In addition, the administrator shall:

- a. Determine which actual or threatened discharge to the POTW will cause interference with the POTW or will present (or may present) an imminent or substantial endangerment to the health or welfare of any person and/or to the environment;
- b. Abate any actual or threatened discharge which would violate any categorical standard or pretreatment requirement imposed by this ordinance. In the minimum, the administrator will be able to promptly plug or disconnect any sewer service connection to the POTW;
- c. Correct or mitigate any injury to the environment, the POTW or to any other property as a result of any discharge in violation of a categorical standard or pretreatment requirement imposed by this article.

The administrator shall file with the city clerk three (3) copies of all federal statutes and regulations cited by this article in order to allow regulated users adequate opportunity to be informed of the applicable federal requirements herein incorporated by reference. (Code 1963, § 29-70; Ord. No. 1170, § 2, 6-23-81; Ord. No. 1231, § 2, 5-3-83; Ord. No. 1830, § 4, 1-24-95; Ord. No. 2404, § 5, 9-14-04)

Secs. 33-222--33-230. Reserved.

DIVISION 8. INDUSTRIAL USER AND PRETREATMENT REQUIREMENTS

Sec. 33-231. General industrial user requirements.

All industrial users shall:

- (1) Comply with the categorical standards, pretreatment requirements, and all other requirements imposed by this chapter upon POTW users. Upon the effective date of any federal categorical pretreatment standards for a particular industry subcategory, the federal standard, if more stringent than the effluent limitations imposed under this chapter shall immediately supersede those limitations.
- (2) Comply with the orders of the administrator designed to implement the categorical standards, pretreatment requirements and all other requirements imposed by this chapter.
- (3) Within ninety (90) days of the adoption of this chapter, and prior to the discharge of wastewater to the POTW by any new user thereafter, file a written notice with the administrator which identifies their:
 - a. Name and address of the existing or prospective users;
 - b. Business location(s) served or to be served by the POTW;
 - c. Nature, concentration, and amounts of any substance present at, or intended to be present at such business location(s) which, if discharged to the POTW, could constitute an industrial discharge; and
 - d. Nature and concentration of all pollutants currently discharged to the POTW from such business location(s).
- (4) Carry out and maintain an adequate record of all self-inspection and self-monitoring activities necessary for the user to know at all times whether or not such user is introducing any industrial discharge to the POTW.
- (5) Assist the administrator to determine the exact nature, concentration, and volume of any pollutant intended for discharge to the POTW. Therefore, upon request, any user or industrial user shall promptly:
 - a. Allow the examination and copying of all relevant records or documents available to the user;
 - b. Allow the inspection of all business locations served by the POTW, including all pretreatment equipment, methods and activities utilized by the user at such locations;
 - c. Install and maintain, at the user's expense, convenient and adequate monitoring and/or sampling point(s) needed by the administrator for monitoring and/or sampling purposes;
 - d. Allow the taking and removal of samples from any wastewater discharged or intended for discharge, to the POTW; and
 - e. Provide the administrator with any other information, including, but not limited to, chemical analyses of wastewater and architectural or engineering design data, drawings, etc., which are reasonably needed by the administrator for the purpose of determining such user's compliance with the requirements of this chapter.

- (6) Not cause an industrial discharge without having first obtained, or applied for, a permit pursuant to the requirements of this chapter;
- (7) Comply with the demand of the administrator to immediately halt any actual or threatened discharge to the POTW when the administrator has given notice that such actual or threatened discharge:
 - a. Presents or may present an imminent or substantial endangerment to the health or welfare of any person or to the environment; or
 - b. Will cause interference or pass through with POTW operations.
- (8) Immediately give notice to the administrator of any discharge, including an accidental discharge, which is in violation of any categorical standard, pretreatment requirement, or permit condition imposed by this chapter. Such notice shall also describe the:
 - a. Location of the discharge;
 - b. Known or estimated nature, concentration and volume of the discharged pollutant(s);
 - c. Type of assistance desired from the city; and
 - d. Corrective action(s) undertaken, being undertaken, and/or to be undertaken by the user.
- (9) Initiate all appropriate correction action(s) required by the administrator which are needed to:
 - a. Prevent any further injury to human health or safety, or to the environment, the POTW, and/or any other property;
 - b. Promptly repair all or part of any injury or damage caused by such discharge; and
 - c. Ensure that such a discharge does not occur again.
- (10) Pay all sewer fees charged by the city for the wastewater collection and disposal services provided by the POTW pursuant to the requirements of this chapter. Such service fees will apply equally to all POTW users and will be determined by each user's proportionate share of the POTW operating and maintenance costs. In turn the proportionate share will be based on such factors as the strength, volume and flow rate of wastewater discharged to the POTW by each user.
- (11) Reimburse the city for all extraordinary expenses reasonably incurred by the city in insuring such POTW user's compliance with the applicable requirements of this chapter. An extraordinary expense is any cost not otherwise reimbursed from the normal collection of sewer fees. Therefore, extraordinary expenses include, but are not limited to, the costs in:
 - a. Issuing permits;
 - b. Conducting inspection, surveillance and monitoring activities;
 - c. Obtaining laboratory analyses of waste samples;
 - d. Taking enforcement actions against users not in compliance with the requirements of this chapter; and
 - e. Carrying out any measure needed for the protection of human health or safety, the environment, the POTW, or any other property in order to correct or mitigate any harm

caused by the violation of any categorical standard or pretreatment requirement.

(12) Be financially responsible for all injury, damage, and/or loss suffered by any person as a result of any industrial discharge, by such user, which violates any categorical standard, pretreatment requirement, or permit condition enforced pursuant to this chapter. In particular, such user shall be liable for the:

- a. Personal injury suffered by any person as a result of such discharge;
- b. Costs reasonably incurred by any person in correcting, or otherwise mitigating, any adverse environmental impact which resulted from such discharge; and
- c. Economic loss and property damage suffered by any person as a result of such discharge.

(13) Fully comply with this subpart if the results of the user's self-monitoring wastewater analysis indicates a violation has occurred:

- a. Inform the pretreatment officer of the violation within twenty-four (24) hours of becoming aware of the violation; and
- b. Repeat the wastewater sampling and pollutant analysis and submit in writing the results of the repeat analysis within thirty (30) days after becoming aware of the violation, unless the administrator requires it sooner.

(14) Sign all permit applications using the appropriate signatory:

- a. *For a corporation:* By a corporate officer or other persons performing a similar policy or decision-making function for the corporation;
- b. *For a partnership or sole proprietorship:* By a general partner or the proprietor, respectively; or
- c. *For a government entity:* By the administrator, chairman, or principal executive responsible for operations at the facility.

(15) Insure that all applications, correspondence, reports, and self-monitoring reports are signed by a duly authorized representative of the person described in subsection (14) of this section. Any change in signatures or positions shall be submitted to the pretreatment officer in writing within thirty (30) days after the change.

A person is a duly authorized representative only if:

- a. The authorization is made in writing by a person described in subsection (14) of this section; and
- b. The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position).

(16) Certification. Any person signing a document under this article shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure

that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

(Ord. No. 1830, § 5, 1-24-95; Ord. No. 2404, § 6, 9-14-04)

Sec. 33-232. Significant industrial user requirements.

In addition to all other requirements each industrial user who discharges an industrial discharge into the sewage works and is designated as a significant industrial user by the administrator shall also:

- (1) Obtain a wastewater discharge class A permit from the administrator. Any application for a class A permit or an amended class A permit shall contain the information specified in the application form or such other information as may be requested by the administrator. Any person intending to commence any new industrial discharge(s), or any additional industrial discharge(s) not already allowed pursuant to an existing permit, shall apply for a new or amended permit at least ninety (90) days prior to initiating such discharge(s).
- (2) Comply fully with all requirements and conditions of any permit. Once a permit is issued, no industrial user shall:
 - a. Make any new or increased industrial discharge.
 - b. Make any change in the nature of its industrial discharge(s) if such change will cause any new or increased industrial discharge.
 - c. Fail to give notice to the pretreatment officer of not less than ninety (90) days prior to any facility expansion, production increase, or process modifications which results or may result in new or increased discharges or a change in the nature of the discharge.
 - d. Fail to give advance notice to the pretreatment officer of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- (3) Provide all of the pretreatment necessary to comply with the categorical standards and pretreatment requirements imposed by this chapter. In addition, there shall be no discharge of any water or waste exceeding the limits for the following substances that are expressed in the total form except if otherwise indicated:

Daily Average Effluent Limitations

Substance (mg/L = milligrams per liter)

Arsenic 0.13 mg/L
Cadmium 0.047 mg/L
Copper 1.5 mg/L
Cyanide 2.0 mg/L
Lead 0.41 mg/L
Mercury 0.0023 mg/L
Selenium 0.1 mg/L
Silver 1.2 mg/L
Zinc 3.5 mg/L

- (4) Maintain a continuous discharge record which clearly identifies the:
 - a. Dates and times of all industrial discharges, and
 - b. Nature, concentration(s), and volume(s) of all such discharges.
- (5) Provide the administrator with all the same self-monitoring reports and notices which the industrial user is

required to submit to any other authority in accordance with the provisions of 40 CFR part 403.12. In particular, the industrial user shall meet the requirements of:

- a. Notices which must be filed within one hundred eighty (180) days of the adoption of any categorical standard, including a compliance schedule;
 - b. Notices which must be filed within ninety (90) days of any final compliance date;
 - c. Reports which must be filed by the industrial user semiannually each year;
 - d. The immediate notice which must be given after a slug load release of any industrial discharge;
 - e. The sampling and analysis of pollutants discharged to the POTW;
 - f. The maintenance of records by the industrial user;
 - g. Comply with all reporting requirements and maintain records of all information resulting from any monitoring activities as required by chapter 33 of the Glendale City Code.
- (6) Records required by subsections (4) and (5) of this section shall be required to be retained for a minimum of three (3) years from the date of monitoring activity and shall be made available for inspection and copying. This period of retention shall be extended during the course of any unresolved litigation between the industrial user and the POTW. Such records shall include for all samples:
- a. The date, exact place, method, and time of sampling and the names of the person or persons taking the samples;
 - b. The dates analyses were performed;
 - c. Who performed the analyses;
 - d. The analytical techniques/methods used; and
 - e. The results of such analyses.

(Ord. No. 1830, § 5, 1-24-95; Ord. No. 2404, § 7, 9-14-04)

Sec. 33-233. Special discharges.

(a) In addition to all other requirements imposed by this chapter upon industrial users, the following types of industrial users who are not significant industrial users may be required to obtain a class B wastewater discharge permit if the administrator determines the industrial discharge causes or has the reasonable potential to cause harm or damage to the POTW, worker safety, public safety or the environment:

- (1) Zero process discharge user.
- (2) Users which discharge the equivalent strength of twenty-five thousand (25,000) gallons per day of domestic waste as measured by BOD and SS.
- (3) Discharges of polluted groundwater.
- (4) Users discharging any of the substances identified in sections 33-220 and 33-232(3).
- (b) The industrial user shall comply with all requirements and conditions of a class B waste-water discharge permit issued by the administrator under section 33-221.

(Ord. No. 1830, § 6, 1-24-95)

Secs. 33-234--33-237. Reserved.

Sec. 33-238. Interceptors.

- (a) Grease, oil, or sand interceptors shall be provided for laundries, restaurants, service stations, auto repair shops, carwashes and other facilities when, in the opinion of the administrator, they are necessary for the proper handling of liquid wastes containing grease or oil in excessive amounts or any flammable wastes, sand, and other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units.
- (b) All grease traps and interceptors shall be of a type and capacity approved by the administrator and shall be located as to be readily and easily accessible for cleaning and inspection at all times.
- (c) Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers. When bolted covers are required they shall be gastight and watertight.
- (d) Where installed, all grease, oil, and sand interceptors shall be maintained by the owner, at his or her expense, in continuously efficient operation at all times. Maintenance shall include the complete removal of all contents, including floating materials, wastewater and bottom sludges and solids. The owner shall keep written records and documentation of all cleaning, repair, calibration and maintenance required to demonstrate compliance with this section. Records shall be kept at the facility for a minimum of three (3) years and be made available to the administrator upon request.
- (e) Decanting or discharging of removed waste back into the trap or interceptor from which the waste was removed or any appurtenance of the wastewater collection system is strictly prohibited.
- (f) All grease traps, oil, sand, and grease interceptors shall be pumped out or cleaned out completely at least once every one hundred eighty (180) days, or more frequently as required by the city, unless otherwise authorized in writing by the administrator.
- (g) The use of any enzymes, chemicals, or bacteria as a substitute for grease traps or grease trap or interceptor maintenance is prohibited. The use of such additives as a supplement to maintenance may be authorized by the administrator after a written request including material safety data sheets. Addition of emulsifiers into grease removal devices is strictly prohibited.
- (Code 1963, §§ 29-75-29-78; Ord. No. 1170, § 2, 6-23-81; Ord. No. 1830, § 6, 1-24-95; Ord. No. 2404, § 8, 9-14-04)

Sec. 33-239. Control manholes.

When required by the public works administrator, the owner of any property served by a building sewer carrying potentially harmful or industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, measurement and sampling of the wastes. Such manhole, when required, shall be accessible and

safely located and shall be constructed in accordance with plans approved by the community development administrator. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

(Code 1963, § 29-79; Ord. No. 1170, § 2, 6-23-81; Ord. No. 1231, § 2, 5-3-83)

Sec. 33-240. Right of entry for inspection.

- (a) Any authorized employee of the public works department shall, upon presentation of his credentials, have free access at all reasonable hours to any commercial or industrial premises connected to the city sewer system for the purpose of making an inspection of the premises to determine the nature and quantity of wastes discharged to the city sewer system.
- (b) Servicemen, pretreatment program inspectors, sanitary engineers, or other employees of the public works department, whose duty it may be to enter upon commercial or industrial premises to make inspections and collect samples or measure the quantity of wastes discharged to the city sewer, shall be provided with credentials to identify them as authorized representatives from the public works department.
- (c) No person, except an authorized employee of the public works department shall have or exhibit any credentials of the public works department. It shall be the duty of each employee of the department, upon resignation or dismissal, to deliver and surrender at the office of the administrator all credentials of the department in his possession.
- (Code 1963, § 29-80; Ord. No. 1170, § 2, 6-23-81; Ord. No. 2404, § 9, 9-14-04)

Sec. 33-241. Determination of wastewater quality.

- (a) The administrator shall have the authority to make whatever tests are necessary to carry out a planned sampling program and to make whatever analyses are needed for all commercial and industrial users. The BOD test shall be considered the standard test; however, COD or TOC tests may be substituted in cases where it has been determined by the administrator that the BOD test is not representative of actual wastewater loading. Wastewater characteristics shall be determined by the department on the basis of monitored wastewater discharged, a certified statement from the user, or on the best available data as to the characteristics of such discharges.
- (b) Any change in the ongoing process employed by a user contributing commercial or industrial waste which results in a variation of more than twenty-five (25) percent in one or more of the effluent loading concentrations shall be reported to the public works department within thirty (30) days of the change.
- (c) If it is determined through testing that a significant variation exists between the user's certified data and the discharge characteristics monitored by the public works department, the city may adjust the sewer use charge based

on the monitored data from the original date of certification, unless written communication has occurred notifying the department of changes in loading and giving specific dates of changes.

(d) Where sampling and gauging of a specific user is not practical for physical, economic, safety or other reasons, the administrator may designate values for concentrations of the wastes discharged into the sewer system for all users in the same standard classification or subclassification. (Code 1963, § 29-81; Ord. No. 1170, § 2, 6-23-81)

Sec. 33-242. Tests and analyses.

(a) All tests and analyses of the characteristics of waters and wastes shall be determined in accordance with Standard Methods.

(b) Costs for all tests and analyses conducted by the city on each individual user shall be at the user's own expense. (Code 1963, §§ 29-82, 29-83; Ord. No. 1170, § 2, 6-23-81; Ord. No. 1231, § 2, 5-3-83)

Sec. 33-243. Annual publication of list of violators.

The city shall annually publish in the local newspaper a list of the users which were not in compliance with pretreatment requirements or standards at least once during the twelve (12) previous months. The notification shall also summarize any enforcement actions taken against the users during the same twelve (12) months. (Code 1963, § 29-85; Ord. No. 1170, § 2, 6-23-81)

Sec. 33-244. Reserved.

Editor's note: Ord. No. 2404, § 10, adopted Sept. 14, 2004, repealed § 33-244, which pertained to industrial agreements and derived from Code 1963, § 29-86; Ord. No. 1170, § 2, adopted June 23, 1981.

Sec. 33-245. Waste monitoring program.

(a) In order to insure continuing compliance with the limitations and restrictions set forth in this article, each industrial user shall monitor its discharge to the city sewer system by testing the discharge with sufficient frequency to insure that such limitations are not excluded and such restrictions not violated. Such testing may be accomplished by a professional laboratory or, in cases where the user has sufficient testing capability, facilities and expertise, by the user itself.

(b) The administrator may require a laboratory analysis of a user's discharge at any time. Such analysis shall be performed by:

- (1) An independent laboratory acceptable to the administrator;
- (2) A city-operated laboratory; or
- (3) The user itself.

The authority to determine who shall perform the analysis rests with the administrator. The administrator may also require that all costs associated with such an analysis be borne by the user.

(c) The user shall permit access to the sampling point or sampling well to the city's representative or the independent laboratory for the purpose of obtaining a sample during any hours of operation by the plant. (Code 1963, § 29-87; Ord. No. 1170, § 2, 6-23-81)

Sec. 33-246. Confidential information.

(a) Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the city that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. To claim this trade secret protection, the user must specify at the time of submitting his reports or information, that part he desires to protect.

(b) When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this article, the NPDES permit, state disposal system permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the city, state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

(Code 1963, § 29-89; Ord. No. 1170, § 2, 6-23-81; Ord. No. 1231, § 2, 5-3-83)
Secs. 33-247--33-255. Reserved.

DIVISION 9. ACCIDENTAL DISCHARGES

Sec. 33-256. Protection required.

Each permittee under this article shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this article.

(Code 1963, § 29-90; Ord. No. 1170, § 2, 6-23-81)

Sec. 33-257. Notice to city.

For countermeasures to be taken by the city to minimize damage to the sanitary sewer system and/or degradation of the receiving waters, a permittee under this article shall notify the city immediately upon accidentally discharging wastes in violation of this article. This notification shall be followed within five (5) days of the date of occurrence by a detailed written statement describing the causes of the accidental discharge and the measures being taken to prevent future occurrence. Such notification will not relieve permittee of liability for any expense, loss or damage to the sanitary sewer system, or for any penalties imposed on the city on account thereof and/or for any enforcement action pursuant to this occurrence.

(Code 1963, § 29-91; Ord. No. 1170, § 2, 6-23-81)

Sec. 33-258. Notice to employees.

In order that officers, agents and employees of permittees under this article will be informed of the city's requirements, permittees shall make available to their employees copies of this article together with such other waste water information and notices which may be furnished by the city from time to time for the purpose of improving and making more effective water pollution control. A notice shall be furnished and permanently posted on the permittee's bulletin board advising officers, agents and employees who to call in case of an accidental discharge in excess of the limits authorized by the permit.

(Code 1963, § 29-92; Ord. No. 1170, § 2, 6-23-81)

Sec. 33-259. Labels for potential accidental discharge points.

Any possible connection or entry point for a hazardous and/or prohibited substance to the permittee's plumbing or drainage system shall be appropriately labeled to warn operating personnel against discharge of such substances in violation of this article.

(Code 1963, § 29-93; Ord. No. 1170, § 2, 6-23-81)

Sec. 33-260. Reserved.